

## SENATE BILL No. 177

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-8-23.

**Synopsis:** Fees for fire or other emergency services. Provides that a paid or volunteer fire department may impose a service charge on the operator of a toll road project for certain fire or other emergency protection services that the paid or volunteer fire department provides on the toll road project.

**Effective:** July 1, 2009.

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**Zakas, Stutzman**

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January 7, 2009, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## SENATE BILL No. 177

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 36-8-23 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2009]:

4 **Chapter 23. Service Fees for Fire or Other Emergency**  
5 **Protection Services**

6 **Sec. 1. As used in this chapter, "fire department" means a paid**  
7 **or volunteer fire department.**

8 **Sec. 2. As used in this chapter, "fire or other emergency**  
9 **protection services" includes the following:**

10 (1) **An initial response by a fire department with a fire engine,**  
11 **a fire truck, a fire rescue unit, a fire apparatus, or another**  
12 **emergency response vehicle.**

13 (2) **The use of expendable materials, including absorption**  
14 **materials, emulsifiers, or other agents used in cleanup**  
15 **operations, in a response described in subdivision (1).**

16 (3) **The collection of debris, chemicals, fuel, or contaminated**  
17 **materials resulting from a spill.**



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1       **Sec. 3.** As used in this chapter, "operator" has the meaning set  
2       forth in IC 8-15.5-2-5.

3       **Sec. 4.** As used in this chapter, "toll road project" has the  
4       meaning set forth in IC 8-15-2-4(4).

5       **Sec. 5.** A fire department that provides fire or other emergency  
6       protection services on a toll road project may establish a schedule  
7       of charges for the services. The charges:

- 8           (1) must be reasonable;
- 9           (2) may not exceed the state fire marshal's recommended  
10          schedule for services, if applicable; and
- 11          (3) may not duplicate charges that the fire department  
12          already collects from other sources.

13       **Sec. 6.** A fire department or its agent may collect a service  
14       charge according to the schedule established under section 5 of this  
15       chapter from the operator of a toll road project for fire or other  
16       emergency protection services provided on the toll road project if  
17       the following conditions are met:

- 18           (1) The fire department has not collected a service charge  
19           from the operator under IC 36-8-12-16, IC 36-8-12.2, or any  
20           other law for the same fire or other emergency protection  
21           services.
- 22           (2) The fire department has not charged or collected a service  
23           charge from another individual or entity for the same fire or  
24           other emergency protection services.
- 25           (3) At the following times, the department gives written notice  
26           to the operator of the amount of the service charge for each  
27           service that the department provides:
  - 28               (A) Before the schedule of service charges is initiated.
  - 29               (B) When there is a change in the amount of a service  
30               charge.
- 31           (4) The bill for payment of the service charge:
  - 32               (A) is submitted to the operator in writing not later than  
33               thirty (30) days after the services are provided; and
  - 34               (B) includes a copy of a fire incident report in the form  
35               prescribed by the state fire marshal, if the service was  
36               provided for an event that requires a fire incident report.

37       **Sec. 7.** A fire department shall use the revenue collected from  
38       service charges under this chapter for the payment of costs,  
39       including operational costs and salaries, attributable to providing  
40       fire or other emergency protection services.

41       **Sec. 8.** A fire department or its agent may maintain a civil action  
42       to recover an unpaid service charge under this chapter.

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